

ORDINANCE NO. 03 _____

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON
4 COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT
5 CODE OF LAWS RELATING TO THE ENVIRONMENTAL MANAGEMENT
6 ACT (EMA); BY ADDING A NEW SECTION _____, REDEVELOPMENT,
7 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
8 PROVIDING AN EFFECTIVE DATE.

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10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 LEON COUNTY, FLORIDA, as follows:

12
13 SECTION 1. Title.

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15 This ordinance shall be known as the "Redevelopment Ordinance".

16
17 SECTION 2. Intent.

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19 Redevelopment: This section is intended to encourage redevelopment activities in areas
20 zoned industrial or light industrial, instead of establishing new land uses by changes in
21 existing zoning categories. Redevelopment activities shall be encouraged by exempting
22 certain types of redevelopment from the provisions of this Chapter. In some instances,
23 these exemptions are available in exchange for retrofitting the existing development to
24 some extent.

25
26 Section 3. Definitions:

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28 Section 10-1 of Chapter 10, Leon County Code of Laws is amended as follows:

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30 Redevelopment shall be defined as "having a building or five percent impervious area on
31 site".

32
33 Redevelopment is development activity that meets one of the following criteria:

34
35 Any redevelopment activity covered by this Chapter on a when the site is less than one
36 acre in size; or

37
38 Redevelopment activity on a site one acre or larger that involves no addition of
39 impervious surface area or an addition of impervious surface area which is less than or
40 equal to 25% of the existing impervious surface area of the site, and the additional
41 impervious area is less than or equal to one acre;

42
43 Redevelopment activity on a site that is one acre or larger that involves the addition of
44 impervious surface area that is either greater than 25% percent of the existing impervious
45 surface area or greater than one acre.

46
47 Impervious area shall not exceed 90 percent unless landscape credits are utilized.

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49 Section 4. Landscape Development Standards

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51 Redevelopment sites shall be exempt from certain requirements and provisions of this
52 Chapter provided the redevelopment includes retrofitting the entire site so as to:

53
54 1. Provide front or side corner perimeter buffer widths of ten feet, side and rear

- 1 perimeter buffer widths of six feet from vehicular use areas and comply with 10-
2 266(e)(3).
3
4 2. Interior landscape areas shall comply with Section 10-260(2) for any newly
5 created and designated employee and visitor parking areas. The combined interior
6 landscape requirement for newly developed and redeveloped areas shall be one
7 400 square foot island for every 10,000 square feet of vehicular use areas.
8
9 3. A minimum of ten percent of the site shall remain in a natural state or be
10 constructed landscaping, unless stormwater facility landscape credits or perimeter
11 landscape area credits are utilized. Perimeter landscape areas that remain in a
12 natural state shall receive credit in the amount of 40 percent of the area provided
13 one or more of the following criteria are met.
14
15 A. Adjacent to an environmentally sensitive land feature, or
16 B. Adjacent to a Greenways, or
17 C. On the slope or downhill side(s) of significant grade areas, or
18 D. A perimeter buffer on a least two sides of a site contiguous natural area on
19 adjacent properties, or
20 E. A site perimeter frontage along a roadway.
21
22 4. Compliance with the reforestation requirements of Section 10-264 shall not apply;
23
24 5. Compliance with the minimum Natural Area requirements of Section 10-258 shall
25 not apply.
26
27 6. Compliance with the 40 percent canopy coverage of Section 10-266(e)(4)(a) shall
28 not apply.
29
30 7. A functional waiver in accordance with Section 10-260(3) may be requested to
31 address 1 and 2 above.

1 Section 5. Stormwater Development Standards

2
3 Redevelopment that complies with Section 10-_____ shall be exempt, to the extent
4 conditioned below, from the following provisions of this Chapter.

- 5
6 1. Comply with Section 10-190, Water Quality Standards, by providing treatment in
7 accordance with the criteria set forth in this Section for the net increase in
8 impervious surface area, unless the subject property is located in a drainage basin
9 which requires additional treatment as set forth in Section 10-192, Special
10 Development Standards for Environmentally Sensitive Zones, in which case the
11 additional treatment requirement will apply for any net increase in impervious
12 surface area, or when additional impervious area is proposed, and it can be
13 demonstrated that treatment capacity for the increase has been previously
14 provided in an approved or permitted stormwater facility, whether regional,
15 onsite or offsite, and that the subject property owner has legal rights to this
16 capacity.
- 17
18 2. Section 10-208(1) Rate Control and Section 10-208(6) Design Capacity, when no
19 master stormwater facility is available and when there is no net increase in the
20 total amount of impervious surface area, or when it can be demonstrated that rate
21 control capacity for the increase in impervious area has previously been provided
22 in approved or permitted stormwater facility, whether regional, onsite or offsite,
23 and that the subject property owner has legal rights to this capacity.
- 24
25 3. Section 10-208 (1) Rate Control and Section 10-208(6) Design Capacity, when no
26 accessible off-site facility is available and when there is a net increase in the total
27 amount of impervious surface area on the site of the Redevelopment, but only if
28 the person or entity seeking this exemption presents certification from an engineer
29 licensed to practice in the State of Florida that there is adequate capacity in the
30 downstream stormwater conveyance system for the redevelopment site and that
31 any known flooding or drainage problem will not be worsened by the
32 Redevelopment. Any method, that is generally recognized by the engineering
33 community, may be used to demonstrate both adequacy of the conveyance system
34 and no significant negative impacts on downstream flooding or problem areas.
35 The engineer's certification shall include an analysis carried to a downstream point
36 where the total area contributing stormwater runoff at that point is at least ten
37 times the area of the redevelopment site, or when it can be demonstrated that
38 treatment capacity for the increase has been previously provided in an approved or
39 permitted stormwater facility, whether regional, onsite or offsite, and that the
40 subject property owner has legal rights to this capacity. When there is a net
41 increase in the total amount of impervious surface area on the site of the
42 redevelopment and a certification from an engineer that there is adequate capacity
43 in the downstream stormwater conveyance system is not presented, the site must
44 comply with Section 10-208 (1) Rate Control, Rate Control and, Section 10-
45 208(6) Design Capacity for the net increase in the total amount of impervious
46 surface area.

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4. Section 10-188, Closed Basins and Inter Basin Transfers, when there is no net increase in the total amount of impervious surface area on the site. When there is a net increase in the total amount of impervious surface area on the site, the site must comply with Subsection 10-188(b) Closed Basins, Volume Control for the net increase in the total amount of impervious surface area;
5. Section 10-191 Watershed Conservation Measures, provided the Redevelopment is not located in the Lake Jackson, Lake Lamonie, Lake Lafayette, or Fred George Closed Basin, or in that portion of the Bradford Brook Chain of Lakes watershed upstream of Grassy Lake. If the Redevelopment is located in one of the above-referenced areas, stormwater treatment must be provided for any net increase in impervious surface area as follows: 1.5 inches if wet detention, 0.75 inches if off-line retention, or 1.125 inches if on-line retention with filtration; unless treatment capacity was previously approved or permitted in an existing facility based on the requirements in effect at the time the permit was issued, and providing the facility provides a minimum of 0.5 inches of treatment.
6. Subsection 10-209(2)(a) Stormwater Easements, Conveyance Easements, On-Site Easements, but only after providing written certification to the director that an on-site easement cannot be created due to existing site conditions which will not be changed by the Redevelopment or because the planned Redevelopment would not be possible if an on-site easement was provided;
7. Subsection 10-209(3) Stormwater Easements, Pass-Through Capability for Stormwater Runoff from Uplands, but only after providing verification and written certification, acceptable to the director, that provision of pass-through capability for stormwater runoff from uphill areas is impossible due to existing site conditions which will not be changed by the Redevelopment or because the planned Redevelopment would not be possible if provision for pass-through capability were provided.

Section 10-189 Regional/Multi-Site Stormwater Facilities

1. Use of Regional/Multi-Site or Master Stormwater Facilities. The director shall allow and/or require stormwater runoff to be discharged into regional/multi-site or master stormwater management facilities that have received permits from Leon County or its successors or, the Florida Department of Environmental Protection, its predecessors or successors or, the Northwest Florida Water Management District, its predecessors or successors. Regional/Multi-Site or Master Stormwater Facilities on or off the site of development shall be used if all of the following conditions are met:
 - A. An adequate conveyance to the facility exists or is to be provided; and
 - B. The facilities shall be constructed and maintained in accordance with the requirements of their permit; and
 - C. Water quality discharge requirements are addressed by the regional/multi-site facility, or by some other approved treatment facility into which discharge shall enter, as approved by the director.
2. Redevelopment Fee Option. The director, with approval of the local government within whose boundaries a proposed redevelopment project is to occur, may allow or require payment of a fee for redevelopment activities in

lieu of constructing a detention or retention facility, provided:

- A. Water quality standards for the stormwater discharge from the site as required in Section 10-190 are satisfied through provisions for actual treatment and not through any exemptions relating to modifications to existing systems or discharges which might otherwise be available under Chapter 62-25 of the Florida Administrative Code; and
- B. If the redevelopment discharge rate is to be in excess of the discharge rate prior to redevelopment, then an adequate off-site conveyance must be available or must be provided by the applicant.

Redevelopment fees shall be determined by and paid to the local governing body within whose boundaries the redevelopment is to occur, and shall be used for establishment and development of regional stormwater management systems.

3. **Public Facilities.** Whenever practical, necessary, and in the public interest, or as part of an approved master stormwater management system, the County may acquire land and construct stormwater management systems. The design, land acquisition, construction, and operation and maintenance costs for these facilities shall be funded through stormwater utility fees. Where feasible, the director may allow or require that individual developments utilize capacity in such public facilities as an alternative to constructing on-site stormwater facilities required by this ordinance. In such an instance, a one-time capacity charge shall be paid by the development entity which is proportional to the capacity required. When the County requires that a development use an off-site public facility, the capacity charge shall not be greater than the cost which would be incurred by the development entity for the construction of an adequate on-site facility. Operation and maintenance costs for such dedicated capacity shall be funded through routine stormwater utility fees.

4. **Governmental Coordination.** When regional/multi-site detention or retention is required pursuant to this subsection, the local government having primary jurisdiction over the site shall ensure that:

- A. Design of the facility and related systems is consistent with the provisions of this Article; and
- B. Use of the facility is available to as many current and future development sites as practical; and
- C. An equitable cost-sharing arrangement is available for the acquisition, construction, and maintenance costs of the facility.

5. **Stormwater Retrofit Provisions.** All existing developed areas not in compliance with state and local water quality discharge requirements, including sites which might otherwise be in compliance as a result of exemptions in Chapter 62-25, F.A.C., relating to existing systems, discharges, and pollution loads, shall be addressed through a government-administered regional water quality retrofit program. The objective of the retrofit program is to provide stormwater quality treatment capacity to existing sites which were never previously provided with such capacity. Retrofit program objectives may be addressed in multipurpose

stormwater facility projects which address other objectives such as flood attenuation or treatment capacity for future development.

A. Implementation of the retrofit program shall be based upon a basin-by-basin management plan approved by the Commission. Priorities for various basins and sub-basins shall be established based on review of available technical information.

B. The County shall identify, acquire, and construct suitable regional water quality facilities capable of controlling and treating the stormwater volume, rate, and quality.

C. The retrofit program shall be funded from the stormwater utility fee. Subsequent to the actual construction of retrofit facilities, recipients of stormwater utility bills, for property served by a private stormwater management facility for which a final stormwater management facility operating permit has been issued, shall be eligible for partial credit on the stormwater utility fee. The credit shall be a percentage adopted by resolution by the Commission as a part of the utility fee structure. Subsequent to implementation of such a credit program, application must be made to the director. The application shall be accompanied by documentation that the stormwater runoff from the eligible property is being conveyed to a stormwater management facility for which a valid final stormwater management facility operating permit has been issued.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflicts, as of the effective date of the ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconstant, either in part or whole, with the Comprehensive Plan.

Section 7. Severability.

If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and, such holding shall not effect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date

This ordinance shall become effective on _____.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2003.

LEON COUNTY

BY:

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8
9 BY: _____
10
11 ATTEST:
12 ROBERT B. INZER
13 LEON COUNTY FLORIDA
14 CLERK OF THE COURT
15

TONY GRIPPA, CHAIR
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM:

BY: _____

HERBERT W.A. THIELE
COUNTY ATTORNEY